

## REMARKS

### Amendment To Claims

Applicants are amending independent Claims 1 and 2 (and also withdrawn independent Claims 3-5) to recite the features of “a first layer (e.g. **324**) in contact with the second electrode (e.g. **302**) and a second layer (e.g. **327** or **330**) in contact with the first electrode (e.g. **301**).” See e.g. FIG. 3A or 3C of the present application. Hence, both of the first layer and the second layer are in contact with the second electrode and the first electrode, respectively.

Applicants are also amending dependent Claim 15 to correct a minor error in the claims.

As no new matter is being added, it is respectfully requested that these amendments be entered and allowed.

Applicants have the following response to the rejections in the Office Action.

### Claim Rejections – 35 U.S.C. §103

In the Office Action, the Examiner now has the following rejections under 35 U.S.C. §103(a):

- A. Claims 1, 2, 6, 7, 8, 9 10, 14 and 15 are rejected as being unpatentable over Heeney et al. (EP 1,439,590) in view of Tokito et al. (Journal of Physics: Applied Physics (1996), vol. 29, pages 2750-2753) and Kido et al. (US 2003/0189401) with further evidence provided by Liu et al. (Applied Physics Letters, (2007), vol. 91, 142106).
- B. Claims 1-6, 9-15 are rejected as being unpatentable over Takasu et al. (U.S. 2004/0258954) in view of Heeney and and Hosokawa (US 2002/0045061) ad Kido with further evidence provided by Liu and Angelopoulos et al. (U.S. 5,198,153).
- C. Claims 1, 2, 6, 7, 8, 9, 10, 14, 15 are rejected as being unpatentable over Heeney in view of Ikeda et al. (WO 2005/031798) and Kido with further evidence provided by Liu.

- D. Claims 1-6, 9-15 are rejected as being unpatentable over Takasu in view of Heeney and Ikeda and Hosokawa and Kido with further evidence provided by Liu and Angelopoulos.

Each of these rejections is respectfully traversed.

While Applicants traverse these rejections, in order to advance the prosecution of this application, Applicants are amending independent Claims 1 and 2 (and withdrawn independent Claims 3-5) to recite “a first layer in contact with the second electrode and a second layer in contact with the first electrode” as explained above.

In contrast, this feature does not appear to be disclosed or suggested by the cited references.

Therefore, independent Claims 1 and 2 (and 3-5) are not disclosed or suggested by the cited references, and Claims 1, 2 (and 3-5) and those claims dependent thereon are patentable over the cited references. Accordingly, it is respectfully requested that these rejections be withdrawn.

#### New Claims

Applicants are adding new dependent Claim 16. New Claim 16 is supported by, for example, at least Figs. 3A-3C of the present application.

As this is a dependent claim, it is allowable for at least the reasons discussed above for the independent claims. Accordingly, it is respectfully requested that this new claim be entered and allowed.

If any fee should be due for this new claim, please charge our deposit account 23/0920.

#### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment and/or the new claim, please charge our deposit account 23-0920.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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